

MAY 12 2008

05-14-38

PTO/SB/21 (11-07)

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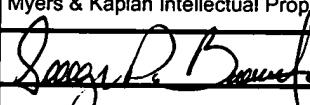
Total Number of Pages in This Submission

	Application Number	10/625,716
	Filing Date	July 23, 2003
	First Named Inventor	LINSKY et al.
	Art Unit	3765
	Examiner Name	Hale, Gloria M.
Total Number of Pages in This Submission	47	Attorney Docket Number
		22310-RA

**ENCLOSURES (Check all that apply)**

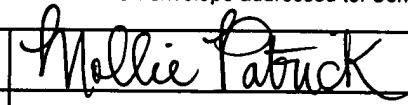
<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input checked="" type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
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<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
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**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm Name	Myers & Kaplan Intellectual Property Law, L.L.C.		
Signature			
Printed name	George P. Bonanto		
Date	May 12, 2008	Reg. No.	59,717

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# FEE TRANSMITTAL

## For FY 2008

Applicant claims small entity status. See 37 CFR 1.27

**TOTAL AMOUNT OF PAYMENT** (\$)  
255.00

<b>Complete if Known</b>	
Application Number	10/625,716
Filing Date	July 23, 2003
First Named Inventor	LINSKY et al.
Examiner Name	Hale, Gloria M.
Art Unit	3765
Attorney Docket No.	22310-RA

**METHOD OF PAYMENT** (check all that apply)

Check  Credit Card  Money Order  None  Other (please identify): \_\_\_\_\_  
 Deposit Account Deposit Account Number: \_\_\_\_\_ Deposit Account Name: \_\_\_\_\_

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

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**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

<b>Application Type</b>	<b>FILING FEES</b>		<b>SEARCH FEES</b>		<b>EXAMINATION FEES</b>		
	<b>Small Entity</b>	<b>Fee (\$)</b>	<b>Small Entity</b>	<b>Fee (\$)</b>	<b>Small Entity</b>	<b>Fee (\$)</b>	<b>Fees Paid (\$)</b>
Utility	310	155	510	255	210	105	_____
Design	210	105	100	50	130	65	_____
Plant	210	105	310	155	160	80	_____
Reissue	310	155	510	255	620	310	_____
Provisional	210	105	0	0	0	0	_____

**2. EXCESS CLAIM FEES****Fee Description**

	<b>Small Entity</b>
Each claim over 20 (including Reissues)	50 25
Each independent claim over 3 (including Reissues)	210 105
Multiple dependent claims	370 185

<b>Total Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>
- 20 or HP =	x	=	

HP = highest number of total claims paid for, if greater than 20.

<b>Indep. Claims</b>	<b>Extra Claims</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>
- 3 or HP =	x	=	

HP = highest number of independent claims paid for, if greater than 3.

<b>Small Entity</b>
Fee (\$)
Fee (\$)
Fee (\$)

<b>Multiple Dependent Claims</b>
Fee (\$)
Fee (\$)

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$260 (\$130 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

<b>Total Sheets</b>	<b>Extra Sheets</b>	<b>Number of each additional 50 or fraction thereof</b>	<b>Fee (\$)</b>	<b>Fee Paid (\$)</b>
- 100 =	/ 50 =	(round up to a whole number) x	=	

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge): Appeal Brief filing fee

**Fees Paid (\$)**

\$255.00

**SUBMITTED BY**

Signature		Registration No. (Attorney/Agent) 59,717	Telephone (770) 541-7444
Name (Print/Type)	George P. Bonanno		Date May 12, 2008

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: **LINSKY, et al.** ) Atty Docket: **22310-RA**  
Serial No.: **10/625,716** )  
Filed: **July 23, 2003** ) Examiner: **HALE, Gloria M.**  
For: **Apparatus and Method for** ) Group A.U.: **3765**  
**Facilitating Breast Self-** )  
**Examination** ) Conf. No.: **8128**

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12 May 2008

**APPLICANTS' APPEAL BRIEF**

Dear Madam:

Pursuant to the Notice of Appeal filed February 28, 2008, Applicants hereby appeal to the Board of Patent Appeals and Interferences from the decision of the Examiner, made final, having a mailing date of December 28, 2007, rejecting claims 1-5, 7-14, 16-23, and 25-29 in the above-referenced application.

Please find enclosed the requisite fees, taking into account Applicant's claim of "small entity" status.

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May 12, 2008

Mollie M. Patrick

Name of Person Mailing

Signature

5-12-2008

Date

I. REAL PARTY IN INTEREST

The real party in interest is Stacie Linsky, an individual residing at 4401 West Dale Avenue, Tampa, FL 33609, and Elaine Banks, an individual residing at 560 Park Avenue, Atlanta, GA 30312, joint inventors and owners of the entirety of the above-referenced patent application and of the invention disclosed therein.

II. RELATED APPEALS AND INTERFERENCES

Applicants are not aware of any related appeals or interferences which may have a bearing on a decision in the instant appeal.

III. STATUS OF CLAIMS

Claims 1-29 are pending in the application. Each of claims 1-5, 7-14, 16-23, and 25-29 stands rejected as detailed in the final Office Action, mailed December 28, 2007. Applicants hereby appeal the final rejection of each of claims 1-5, 7-14, 16-23, and 25-29.

IV. STATUS OF AMENDMENTS

No amendments to the claims have been made subsequent to the mailing of the final Office Action; thus, the claims stand as amended in Applicants' Response to Office Action dated March 27, 2007. A listing of the currently pending claims is provided in Section VIII of the instant Appeal Brief.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The claimed invention, as recited in independent claim 1, is a breast self-examination garment in the form of a form-fitting shirt adapted to closely fit a wearer's torso, including the underarm, chest, back, and abdomen. *See*, e.g., Figs. 1 and 5, and page 13 of Applicants' written

description. Referring to pages 13-15, and 19 of Applicants' written description, the garment includes examination patterns disposed on an exterior of the garment over the breast and/or armpit areas, whereby the user may conduct a tissue self-examination by tracing or following the patterns with the user's fingers disposed on the outside of the garment. By tracing the pattern on the outside of the garment, the wearer may ensure accurate and complete self-examination, even with little practice or training since the wearer can see both the pattern and the relative placement of the wearer's fingers during the examination. Since the wearer will perform the examination with the garment disposed between the wearer's fingers and the breast and/or lymph tissue to be examined, the fabric of the garment is preferably thin to allow adequate sensitivity for detection of lumps or the like. The material of the garment also preferably maintains the breast tissue in a relatively stationary and flattened or compressed position to facilitate thorough examination thereof. Additionally, the material may facilitate easy sliding of the user's fingers over the breast and/or underarm areas whereby smooth transit of the user's fingers over the material may be accomplished without lubrication of the user's skin. The user may mark lumps or other areas of interest or concern directly on the garment, such as via a pen or the like, and such marks may be used to facilitate communication of such areas to a doctor or other medical professional for subsequent further examination or investigation.

The claimed invention, as recited in independent claim 11, is a breast self-examination garment in the form of a form-fitting shirt adapted to closely fit a wearer's torso, including the underarm, chest, back, and abdomen. *See, e.g., Figs. 1 and 5, and page 13 of Applicants' written description.* Referring to pages 13-15, and 19 of Applicants' written description, the garment includes examination patterns disposed on an exterior of the garment over the breast and armpit

areas, whereby the user may conduct a tissue self-examination by tracing or following the patterns with the user's fingers disposed on the outside of the garment. By tracing the pattern on the outside of the garment, the wearer may ensure accurate and complete self-examination, even with little practice or training since the wearer can see both the pattern and the relative placement of the wearer's fingers during the examination. Since the wearer will perform the examination with the garment disposed between the wearer's fingers and the breast and/or lymph tissue to be examined, the fabric of the garment is preferably thin to allow adequate sensitivity for detection of lumps or the like. The material of the garment also preferably maintains the breast tissue in a relatively stationary and flattened or compressed position to facilitate thorough examination thereof. Additionally, the material may facilitate easy sliding of the user's fingers over the breast and/or underarm areas whereby smooth transit of the user's fingers over the material may be accomplished without lubrication of the user's skin. The user may mark lumps or other areas of interest or concern directly on the garment, such as via a pen or the like, and such marks may be used to facilitate communication of such areas to a doctor or other medical professional for subsequent further examination or investigation.

The claimed invention, as recited in independent claim 19, is a breast self-examination garment in the form of a form-fitting shirt adapted to closely fit a wearer's torso, including the underarm, chest, back, and abdomen, and a pen for marking areas of interest directly on the garment. *See, e.g., Figs. 1 and 5, and page 13 of Applicants' written description.* Referring to pages 13-15, and 19 of Applicants' written description, the garment includes examination patterns disposed on an exterior of the garment over the breast and armpit areas, whereby the user may conduct a tissue self-examination by tracing or following the patterns with the user's

fingers disposed on the outside of the garment. By tracing the pattern on the outside of the garment, the wearer may ensure accurate and complete self-examination, even with little practice or training since the wearer can see both the pattern and the relative placement of the wearer's fingers during the examination. Since the wearer will perform the examination with the garment disposed between the wearer's fingers and the breast and/or lymph tissue to be examined, the fabric of the garment is preferably thin to allow adequate sensitivity for detection of lumps or the like. The material of the garment also preferably maintains the breast tissue in a relatively stationary and flattened or compressed position to facilitate thorough examination thereof. Additionally, the material may facilitate easy sliding of the user's fingers over the breast and/or underarm areas whereby smooth transit of the user's fingers over the material may be accomplished without lubrication of the user's skin. The user may mark lumps or other areas of interest or concern directly on the garment using the pen, and such marks may be used to facilitate communication of such areas to a doctor or other medical professional for subsequent further examination or investigation.

The claimed invention, as recited in independent claim 28 and with reference to Fig. 5 and pages 19-23, is a method of conducting a breast self-examination using a form-fitting shirt adapted to closely fit a wearer's torso, including the underarm, chest, back, and abdomen. The method includes the steps of obtaining and donning the garment, aligning the pattern over a breast area, and examining the breast area from an exterior surface of the garment by tracing the examination pattern. The user may mark any areas of interest directly on the garment using a pen, or the like.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

The following grounds of rejection are presented for review:

1. Claims 1-5, 8, and 28 are rejected under 35 U.S.C. 102(b), as being anticipated by United States Patent No. 5,479,661 Fingleson *et al.*;
2. Claims 7, 11-14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fingleson *et al.* in view of United States Patent No. 4,873,982 to Morrison;
3. Claims 9, 10, 19-23, 25-27, and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fingleson *et al.* in view of United States Patent No. 6,412,491 to Rusin; and
4. Claims 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fingleson *et al.* in view of Morrison and further in view of Rusin.

United States Patents to Fingleson *et al.*, Morrison, and Rusin are attached hereto for reference as Exhibits A-C in the Evidence Appendix.

VII. ARGUMENT

*Ground 1, Rejection of Claims 1-5, 8, and 28*

**Claims 1-5 and 8**

As to claims 1-5 and 8, Applicants respectfully submit that Fingleson *et al.* fails to teach “a form-fitting garment comprising armpit areas”, as claimed. Specifically, Fingleson *et al.* fails

to teach a “form-fitting” garment<sup>1</sup>. The device of Fingleson *et al.* allows insertion of a hand between the user’s body and the device, and is thus not “form-fitting”. Furthermore, Fingleson *et al.* fails to teach “armpit areas”<sup>2</sup>. Instead, Fingleson *et al.* merely teaches a fabric, paper, or plastic bib (see col. 3, lines 2-3 and Figs. 1, 2, 4, 6, and 8), having “open sides” (*see e.g.* col. 4, line 19) through which a user may insert a hand to perform an examination underneath the bib (*see e.g.* FIG. 8 and col. 2, lines 24-27 and col. 4, lines 19-21). As such, Fingleson *et al.* fails to teach a shirt, and fails to teach anything regarding the thickness of the material from which the garment is formed or the lubricity of such material. This failure is not unexpected, however, since Fingleson *et al.* does not contemplate an examination of breast, or any other, tissue from an outside of the garment.

Nonetheless, the Examiner stated, at page 2 of the Office Action, that “[t]he Fingleson apparatus comprises a low coefficient of friction since it allows the movement of the hands on the surface of the garment about the breasts with the examination pattern disposed on the garment so that it overlies a breast of the wearer as claimed in claims 3 and 4. (See Fingleson col. 3, line 35- col. 4, line 23).” A careful reading of the cited section, however, reveals that, in fact, Fingleson *et al.* is completely devoid of any reference to the level of friction of the material for the garment. Instead, Fingleson *et al.* states that the garment may be formed of paper or plastic, which materials are not only not form-fitting, but do not have a low coefficient of friction to facilitate hand and finger movement over an examination pattern.

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<sup>1</sup> The claim element “form-fitting” is 1) defined in the written description at page 7, lines 18-23, at page 9, lines 16-19, and at page 13, lines 13-21 as conforming to the body; 2) shown in FIG. 5 as conforming to the body; and 3) defined by Merriam-Webster as “conforming to the outline of the body: fitting snugly” (*See Exhibit A attached to Applicants’ response filed Oct. 1, 2007*).

<sup>2</sup> The Examiner admits that Fingleson fails to teach a garment comprising armpit areas. *See page 4, line 3.*

**Claim 28**

As to claim 28, Applicants respectfully submit that Fingleson *et al.* further fails to teach the step of examining the breast from the outside of the garment, as required by the claim. Specifically, and directly to the contrary, Fingleson *et al.* teaches examining the breast from inside the garment (*see* col. 4, lines 11-20 and FIG. 8). At page 3 of the Office Action, the Examiner stated “the wearer of Fingleson et al would palpitate the breast from ‘outside the garment’ wherein the term ‘outside the garment’ is considered to be away or outside the garment material.” Applicants respectfully submit that Applicants’ claim language and specification preclude the interpretation adopted by the Examiner. Specifically, it appears that the Examiner is reading the phrase “outside the garment” to mean exterior to the fabric of the garment, whether on a side towards the wearer or on a side away from the wearer. Since the garment of Fingleson *et al.* does not have an “inside”, according to the Examiner’s interpretation of the claim language, i.e. a wearers hand cannot be disposed “inside” the garment fabric itself, the Examiner’s interpretation is untenable. The only reasonable interpretation of the claim language “outside the garment” is the intended interpretation, i.e. from a side on which the pattern is printed and which is visible to the wearer during use. Ample support for this interpretation may be found in Applicants’ written description and Figs, as discussed above in Section V of the instant Appeal Brief.

Thus, since Fingleson *et al.* fails to teach each and every limitation of at least claims 1, 2, 3, and 28, Applicants respectfully submit that claims 1-10, 28, and 29 are allowable over Fingleson *et al.*

*Ground 2, Rejection of Claims 7, 11-14, and 16*

**Claim 7**

As to claim 7, Applicants respectfully submit, and the Examiner admits at page 4 of the Final Office Action, that Fingleson *et al.* fails to teach the claimed armpit areas. Applicants further submit that Morrison does not remedy the deficiencies of Fingleson *et al.* with regard to such armpit areas. Specifically, Morrison does not teach a garment with armpit areas, but merely teaches a “tube top”, which does not extend over the armpit region of the wearer. *See* Figs. 1 and 3, and col. 3, line 62. Nonetheless, the Examiner stated, at page 4 of the Office Action, that Morrison teaches, “that the garment is adapted for use in other areas of the body where the detection of lumps is desired (such as the underarm area). (See Morrison, col. 4, lines 18-27).” The cited section of Morrison, however, does not teach using the garment for examination of the lymph nodes in the armpit area, but merely indicates that, broadly speaking, the inventive multiply construction of the device of Morrison may be used with “suitable garments. . . specifically adapted for use with other parts of the body.” The only teaching of an examination pattern disposed on an armpit area of an examination garment comes from Applicants’ own disclosure, and thus, it is clear that the Examiner has relied on impermissible hindsight in formulating the rejection. Simply put, the vague teaching of Morrison is insufficient to support the Examiner’s conclusion of obviousness, and fails to specifically teach the claimed armpit areas.

Furthermore, even assuming, *arguendo*, that Morrison taught the claimed armpit areas, the proposed modification is improper because the device of Fingleson *et al.*, modified as proposed to include the claimed armpit areas, would not be suitable for the use described by Fingleson *et al.* Specifically, the device of Fingleson *et al.* operates by allowing introduction of

the user's hand through the side portion of the garment. If the device of Fingleson *et al.* were modified to include the claimed armpit areas, however, such armpit areas would prevent the user from inserting a hand through the side of the garment for direct examination of the breast tissue. Thus, the device of Fingleson *et al.* could not be used as described if modified to include Applicants' claimed structure.

#### **Claims 11-14 and 16**

As to claims 11-14 and 16, Applicants respectfully submit that Fingleson *et al.* and Morrison, as combined, fail to teach each and every element of the claims, and that the Examiner's conclusion of obviousness relies on impermissible hindsight at least for the reasons stated above as to claim 7. Namely, neither Fingleson *et al.* nor Morrison teaches an armpit examination pattern disposed on a form-fitting garment. Furthermore, neither cited reference teaches a garment having two separate examination patterns for examination of separate areas of the wearer's body.

#### **Claims 12 and 13**

With regard to claims 12 and 13, Applicants respectfully submit that Fingleson *et al.* and Morrison fail to teach that the garment is a shirt formed from a thin material, or that the garment comprises a low coefficient of friction to facilitate hand and finger movement *over the examination patterns*. As discussed above, Fingleson *et al.* fails to teach these elements, and Morrison fails to remedy such deficiency. Specifically, the device of Morrison is not a shirt, and does not have the claimed armpit areas. Furthermore, while Morrison discusses frictional considerations, Morrison is concerned only with friction between contacting surfaces of adjacent plies of the garment, and teaches nothing with regard to a level of friction between the user's

hand and fingers over an examination pattern on the outside of the device<sup>3</sup>. See col. 2, lines 35-44.

*Ground 3, rejection of Claims 9, 10, 19-23, 25-27, and 29*

**Claims 9, 10, and 29**

As to claims 9, 10, and 29, Applicants respectfully submit that Rusin fails to remedy the deficiencies of Fingleson *et al.*, i.e. the failure of Fingleson *et al.* to teach armpit areas examination from outside the garment. Rusin merely teaches a planar film, which is not a form-fitting garment, and does not comprise an armpit area extending over an armpit region of a user. See Fig. 1<sup>4</sup>. Thus, the cited teachings of Rusin are irrelevant inasmuch as the Examiner has failed to establish where the prior art teaches a form-fitting garment comprising armpit areas.

**Claim 19**

As to claim 19, Fingleson *et al.* and Rusin fail to teach a t-shirt element. Neither the bib of Fingleson *et al.*, nor the planar film of Morrison can reasonably be construed to teach a t-shirt, and neither allows the same function as a t-shirt. Specifically, the bib of Fingleson *et al.* is intended to be used with a hand underneath the garment, wherein such access is granted by the open sides of the bib (i.e. by the lack of armpit areas), and the planar film of Morrison lacks the

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<sup>3</sup> This distinction is significant because the device of Morrison works by sliding interaction between the first and second ply, wherein the fingers of a user “stick” to the outside surface of the outer ply. Accordingly, this teaches away from Applicants’ outer surface having a low coefficient of friction surface to facilitate hand and finger movement thereover.

<sup>4</sup> While Fig. 2 may appear to show the device covering an armpit region of a user, no specific teaching is made to that effect. Furthermore, the film cannot be construed as including a specific “armpit area” specially designed for use with the user’s armpit region. Finally, the film of Rusin is non-elastic, and thus is unsuitable use with the contours of a user’s armpit region. See Abstract, for example.

positioning, secure attachment, and compression features provided by the form-fitting t-shirt of the present invention. Furthermore, neither provides the comfort, ease of use, or the ability to remove and replace the garment for use in indicating the location of previously identified areas of interest of concern provided by the form-fitting t-shirt examination device of the present invention.

### **Claims 20 and 21**

With regard to claims 20 and 21, Fingleston *et al.* and Rusin further fail to teach the thin material or the low coefficient of friction for facilitating movement of the user's hand and fingers over an examination pattern.

### *Ground 4, rejection of Claims 17 and 18*

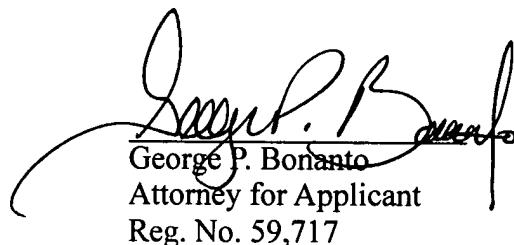
As discussed above, Fingleston *et al.*, Morrison, and Rusin all fail to teach the form-fitting garment having an armpit examination pattern. Thus, at least for this reason, the rejection of claims 17 and 18 is improper. Furthermore, any use of marking implements with the bib of Fingleston *et al.* directly contradicts the described use thereof. In other words, Fingleston *et al.* teaches away from the tube top of Morrison and the film of Rusin because the latter contemplate a contradictory method of use.

Accordingly, Applicants respectfully request withdrawal of the rejections of claims 1-5, 7-14, 16-23, and 25-29.

*Conclusion*

The references simply fail to teach the specific apparatus and method of Applicants' claimed invention. Further, the Examiner has not established how one of ordinary skill in the art would have, or even could have, modified the references to arrive at Applicants' device and method. Thus, at least for the foregoing reasons, Applicants respectfully request that the claims 1-29 be allowed.

Respectfully submitted this 12<sup>th</sup> day of May, 2008.



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VIII. CLAIMS APPENDIX

The following is a listing of the claims involved in the instant appeal.

**LISTING OF CLAIMS**

1. (Previously Presented) A breast self-examination apparatus, comprising:
  - a form-fitting garment comprising armpit areas; and,
  - at least one examination pattern disposed on said garment.
2. (Previously Presented) The apparatus of Claim 1, wherein said garment is a shirt fabricated from a thin material.
3. (Original) The apparatus of Claim 1, wherein said garment comprises a low-coefficient of friction to facilitate hand and finger movement over said at least one examination pattern.
4. (Original) The apparatus of Claim 1, wherein said at least one examination pattern is disposed on said garment in such a manner so as to overly a breast of a wearer of said garment.
5. (Original) The apparatus of Claim 4, wherein said garment further comprises at least one alignment mark centrally disposed within said at least one examination pattern, said at least one alignment mark utilized to center a nipple of the breast of the wearer thereunder to properly align said at least one examination pattern over the breast.
6. (Original) The apparatus of Claim 4, wherein said garment further comprises at least one aperture centrally formed through said at least one examination pattern, said at least one aperture utilized to center a nipple of the breast of the wearer therethrough to properly align said at least one examination pattern over the breast.
7. (Previously Presented) The apparatus of Claim 1, wherein said garment further comprises at least one armpit examination pattern disposed on said armpit area of said garment.

8. (Original) The apparatus of Claim 1, wherein said at least one examination pattern is selected from the group consisting of vertical patterns, spiral patterns, wedge patterns, quadrant patterns, circumscribed areas, sectionalized patterns, arrowed patterns, colored patterns, differently lined patterns, textured patterns, and combinations thereof.

9. (Original) The apparatus of Claim 1, further comprising at least one marking instrument for marking or designating areas of suspected abnormalities directly on said garment.

10. (Original) The apparatus of Claim 9, wherein said at least one marking instrument is selected from the group consisting of permanent ink pens, temporary ink pens, non-permanent ink pens, washable ink, differently colored pens, differently colored marking instruments, hook-and-loop fasteners, stickers, and combinations thereof.

11. (Original) A breast self-examination apparatus, comprising:

a form-fitting garment;

at least one breast examination pattern disposed on said garment; and,

at least one armpit examination pattern disposed on said garment.

12. (Previously Presented) The apparatus of Claim 11, wherein said garment is a shirt fabricated from a thin material.

13. (Original) The apparatus of Claim 11, wherein said garment comprises a low-coefficient of friction to facilitate hand and finger movement over said at least one breast examination pattern and said at least one armpit examination pattern.

14. (Original) The apparatus of Claim 11, wherein said garment further comprises at least one alignment mark centrally disposed within said at least one breast examination pattern, said at

least one alignment mark utilized to center a nipple of a breast of a wearer thereunder to properly align said at least one breast examination pattern over the breast.

15. (Original) The apparatus of Claim 11, wherein said garment further comprises at least one aperture centrally formed through said at least one breast examination pattern, said at least one aperture utilized to center a nipple of the breast of the wearer therethrough to properly align said at least one breast examination pattern over the breast.

16. (Original) The apparatus of Claim 11, wherein said at least one breast examination pattern and said at least one armpit examination pattern are selected from the group consisting of vertical patterns, spiral patterns, wedge patterns, quadrant patterns, circumscribed areas, sectionalized patterns, arrowed patterns, colored patterns, differently lined patterns, textured patterns, and combinations thereof.

17. (Original) The apparatus of Claim 11, further comprising at least one marking instrument for marking or designating areas of suspected abnormalities directly on said garment.

18. (Original) The apparatus of Claim 17, wherein said at least one marking instrument is selected from the group consisting of permanent ink pens, temporary ink pens, non-permanent ink pens, washable ink, differently colored pens, differently colored marking instruments, hook-and-loop fasteners, stickers, and combinations thereof.

19. (Previously Presented) A breast self-examination apparatus, comprising:

a form-fitting t-shirt;

at least one examination pattern disposed on said t-shirt; and,

at least one marking instrument for marking or designating areas of suspected abnormalities directly on said t-shirt.

20. (Currently Amended) The apparatus of Claim 19, wherein said t-shirt is fabricated from a thin material.
21. (Previously Presented) The apparatus of Claim 19, wherein said t-shirt comprises a low-coefficient of friction to facilitate hand and finger movement over said at least one examination pattern.
22. (Previously Presented) The apparatus of Claim 19, wherein said at least one examination pattern is disposed on said t-shirt in such a manner so as to overly a breast of a wearer of said t-shirt.
23. (Previously Presented) The apparatus of Claim 22, wherein said t-shirt further comprises at least one alignment mark centrally disposed within said at least one examination pattern, said at least one alignment mark utilized to center a nipple of the breast of the wearer thereunder to properly align said at least one examination pattern over the breast.
24. (Previously Presented) The apparatus of Claim 22, wherein said t-shirt further comprises at least one aperture centrally formed through said at least one examination pattern, said at least one aperture utilized to center a nipple of the breast of the wearer therethrough to properly align said at least one examination pattern over the breast.
25. (Previously Presented) The apparatus of Claim 19, wherein said t-shirt further comprises at least one armpit examination pattern disposed under an armpit area of said t-shirt.
26. (Original) The apparatus of Claim 19, wherein said at least one examination pattern is selected from the group consisting of vertical patterns, spiral patterns, wedge patterns, quadrant patterns, circumscribed areas, sectionalized patterns, arrowed patterns, colored patterns, differently lined patterns, textured patterns, and combinations thereof.

27. (Original) The apparatus of Claim 19, wherein said at least one marking instrument is selected from the group consisting of permanent ink pens, temporary ink pens, non-permanent ink pens, washable ink, differently colored pens, differently colored marking instruments, hook-and-loop fasteners, stickers, and combinations thereof.

28. (Original) A method of breast self-examination, comprising the steps of:

- a. obtaining a breast self-examination apparatus, comprising:
  - a form-fitting garment; and,
  - at least one examination pattern disposed on said garment; and
- b. putting on said garment;
- c. aligning said at least one examination pattern over a breast; and,
- d. examining and palpating the breast from the outside of said garment via guiding at least one finger over said at least one examination pattern.

29. (Original) The method of Claim 28, further comprising the step of: e. marking or designating directly on said garment areas of suspected abnormalities via at least one marking instrument.

IX. EVIDENCE APPENDIX

*EXHIBIT A*

United States Patent No. 5,479,661 to Fingleson *et al.* This reference was originally entered in the record by the Applicants in an Information Disclosure Statement form PTO/SB/08 submitted on September 29, 2003 and acknowledged by the Examiner on May 15, 2006 accompanying the first Office Action on the merits.

*EXHIBIT B*

United States Patent No. 4,873,982 to Morrison. This reference was originally entered in the record by the Applicants in an Information Disclosure Statement form PTO/SB/08 submitted on September 29, 2003 and acknowledged by the Examiner on May 15, 2006 accompanying the first Office Action on the merits.

*EXHIBIT C*

United States Patent No. 6,412,491 to Rusin. This reference was originally entered in the record by the Examiner in a list of references cited by the Examiner (PTO-892 form) on May 15, 2006, accompanying a non-final Office Action.

X. RELATED PROCEEDINGS APPENDIX

None.